IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4756 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NATHABHAI GOVINDBHAI

Versus

STATE OF GUJARAT THRO'THE COLLECTOR AMRELI

Appearance:

1. First Appeal No. 4756 of 2001

MR YOGESH LAKHANI WITHMR PRASHANT MANKAD for Petitioner No. 1
MR LR PUJARI, AGP for Respondent No. 1
MR HS MUNSHAW for Respondent No.2

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE N.G.NANDI

Date of decision: 28/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. This appeal is arising out of the impugned common judgment & award dated 20-1-2001 passed by Learned Assistant Judge, Amreli in Land Reference Cases No. 37 to 41 of 1999, whereby Learned Assistant Judge partly allowed references, except Land Reference Case No. 38 of 1999.

2. The impugned judgment & award dated 20-1-2001 passed by Learned Assistant Judge, Amreli, has been set aside by us today in First Appeals No. 3864 to 3867 of 2001 filed by appellant State of Gujarat, and the appellant was permitted to lead additional evidence and the matters were remanded to Learned Assistant Judge, Amreli, for his fresh decision, in accordance with law.

3. When we have already set aside the impugned common judgment & award dated 20-1-2001 passed by Learned Assistant Judge, Amreli, then, we are required to dispose of this appeal also.

4. Hence, this appeal is admitted. Learned AGP Shri. L.R. Pujari and Shri. Hemant Munshaw, appearing for Respondent no.1 State and Respondent No.2 Executive Engineer, Panchayat Irrigation respectively are directed to appear and accept notice of admission. At the joint request of learned counsel for the parties, this petition is heard & disposed of by this order.

5. Having regard to the facts & circumstances of the case, it was agreed by learned counsel for the parties that, without assigning any reason and expressing any opinion regarding legality and validity of the impugned award passed by Learned Assistant Judge, Amreli, dismissing Land Reference Case No. 38 of 1999, matter be remanded to the Learned Asst. Judge, Amreli for his fresh decision, in accordance with law.

6. Accordingly the appeal is allowed and the Land Reference Case No. 38 of 1999 is remanded to Learned Assistant Judge, Amreli, with a direction to decide the same afresh, in accordance with law. The petition is disposed of accordingly, with no order as to costs.

Dt: 28-1-2002 (B.J. Shethna, J)

(N.G. Nandi, J)

/vgn